



CITY COUNCIL

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813-3077

COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY

Voting Members:

Carol Fukunaga, Chair
Joey Manahan, Vice Chair
Brandon J.C. Elefante
Ann H. Kobayashi
Trevor Ozawa

MINUTES

REGULAR MEETING
WEDNESDAY, JULY 25, 2018

COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

The regular meeting of the Committee on Public Works, Infrastructure and Sustainability was called to order by Committee Chair Carol Fukunaga at 1:05 p.m. Voting Members Elefante, Kobayashi, and Ozawa were present at the meeting. Voting Member Manahan was excused from the meeting.

STAFF PRESENT

Marry Huynh, Intern to Committee Chair Fukunaga
Andrew Sekine, Analyst, Office of Council Services
Anthony Valdez, Attorney, Office of Council Services
Kamilla Chan, Deputy, Department of the Corporation Counsel, assigned to the Committee
Gail Uehara, Council Committee Aide, Office of the City Clerk

ORDER OF BUSINESS

APPROVAL OF MINUTES

The minutes of the June 27, 2018 meeting of the Committee on Public Works, Infrastructure and Sustainability were approved as circulated.

AYES: ELEFANTE, KOBAYASHI, FUKUNAGA – 3.
NOES: None.
EXCUSED: MANAHAN, OZAWA – 2.

FOR ACTION

1. COMMUNICATION D-473 – COMMITTEE REPORT 264

OCEAN POINTE AREA IV C SUBDIVISION. From the Department of Design and Construction requesting consideration of Deed conveying roadway Lots 18867, 18868 and 18869; Grant of Sewer Easements 10301, 10302, 10303 and 10315 for public use in Ewa.

Administration/Others

Scott S. Shigeoka, Chief of Land Division, Department of Design and Construction

There was no public testimony.

Chief Shigeoka stated that all improvements were constructed and paid for by the developer and are acceptable to the City.

Dedication document conveying easement for public use in Ewa, as detailed in Communication D-473, reported out for Council approval.

AYES: ELEFANTE, KOBAYASHI, FUKUNAGA – 3.
NOES: None.
EXCUSED: MANAHAN, OZAWA – 2.

2. RESOLUTION 18-151 – COMMITTEE REPORT 261

GIFT FROM THE GALLO BUSINESS MEDIA (ENV). Accepting a gift to the City from the Gallo Business Media for airfare, transportation, lodging, and meals for one employee to attend the Waste Haulers Summit in Scottsdale, Arizona, from October 17-19, 2018 valued at \$1,685.00.

Administration/Others

Manuel Lanuevo, Refuse Division Chief, Department of Environmental Services

There was no public testimony.

Refuse Division Chief Lanuevo was present for questions.

Resolution 18-151 reported out for adoption.

AYES: ELEFANTE, KOBAYASHI, FUKUNAGA – 3.
NOES: None.
EXCUSED: MANAHAN, OZAWA – 2.

Related communication:

D-469 Department of Environmental Services, transmitting draft Resolution

3. RESOLUTION 18-157 – COMMITTEE REPORT 262

GUIDANCE FOR USE OF THE BUILDING FIRE AND LIFE SAFETY EVALUATION WORKSHEET. Urging the Honolulu Fire Department to hold its guidance for use of the building fire and life safety evaluation worksheet pending public review.

Administration/Others

Roy K. Amemiya, Jr., Managing Director
Manuel P. Neves, Chief, Honolulu Fire Department (HFD)
Wayne Masuda, Battalion Chief, HFD

Managing Director Amemiya testified in opposition to the Resolution because of the short three-year time frame to conduct the required fire safety evaluations for high-rise residential buildings.

Fire Chief Neves explained that the Evaluation Worksheet for High-Rise Residential Building User's Guide (Guide) developed by a subcommittee of the Residential Fire Safety Advisory Committee (RFSAC) and recently published on the HFD's website caused some confusion because it was intended for design professionals and not the general public. He also described their plans for an educational outreach program for design professionals, Association of Apartment Owners (AOAO) managers, and AOAO board of directors on the building fire and life safety evaluation process.

The following individuals testified:

1. Robert Reed (support)
2. Eric Johnson (support)
3. Guy Bilonta, Sakuda Condominium (support)

Committee on Public Works, Infrastructure and Sustainability Minutes
Wednesday, July 25, 2018

4. Wendell F. Brooks, Jr., AOA 999 Wilder Avenue Condominium Project (support)
5. Jane Sugimura, Hawaii Council of Association of Apartment Owners (support)

Ms. Sugimura noted that as a member of the RFSAC, not all members saw the Guide prior to its posting online.

6. Gerald Lucero (support)

In response to the Committee's inquiries, the HFD representatives provided the following information: a) an explanation on the "mobility" ratings of residents, and b) opting-out of the approved automatic sprinkler systems is still an available choice.

Committee Chair Fukunaga commented on the need for additional dialogue and education and that she would continue to work with the HFD and condominium associations on the matter. The Committee Chair recommended that the Resolution be reported out for adoption.

Committee Member Elefante noted his support for the Committee Chair's recommendation with reservations because of the short time frame for compliance.

Committee Member Kobayashi stated her support for the Committee Chair's recommendation.

Resolution 18-157 reported out for adoption.

AYES: ELEFANTE*, KOBAYASHI, FUKUNAGA – 3.

NOES: None.

EXCUSED: MANAHAN, OZAWA – 2.

*Committee Member Elefante voted aye with reservations.

Related communications:

M-368 Early testimony for Resolution 18-157.

M-374 Additional testimony for Resolution 18-157.

The Committee Chair took up Agenda Items 4 and 5 together.

4. BILL 51 (2018)

OBSTRUCTIONS ON PUBLIC SIDEWALKS. Providing for the unobstructed traversing upon public sidewalks by pedestrians during the hours from 6:00 a.m. to 10:00 p.m., subject to certain exceptions.

The following amendment was circulated at the meeting:

PROPOSED CD1 TO BILL 51 (2018) (Submitted by Departmental Communication 490) - The proposed CD1 makes the following amendments:

- A. Removes the word “sitting” in subsection (b)(7).
- B. Removes the limitation that there be at least “thirty-six inches of space available for passage on any public sidewalk” in subsection (c)(2).
- C. Removes the requirement that the police officer must issue a written warning in subsection (c)(3).
- D. Adds a new SECTION 3 to the bill to provide that the ordinance would take effect upon its approval.
- E. Makes miscellaneous technical and non-substantive amendments, including amendments to correct grammatical and typographical errors, improve clarity, and conform the bill to recommended drafting style.

5. BILL 52 (2018)

ILLEGAL LODGING. Continuing active communication regarding the shelter facilities available to those who would greatly benefit from these resource, offering to transport the individual to the shelter facilities, informing and encouraging those who would benefit from shelter facilities to make use of those resource.

Committee on Public Works, Infrastructure and Sustainability Minutes
Wednesday, July 25, 2018

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 52 (2018) (Submitted by Councilmember Fukunaga) –
The CD1 (OCS2018-0700/7/18/2018 2:00 PM) makes the following amendments:

- A. Adds a new subsection (d) providing that the proposed new article does not apply to any person engaging in an activity pursuant to a permit or license issued by the State, the City, or federal government.
- B. Adds a new SECTION 3 to the bill to provide that the ordinance would take effect upon its approval.
- C. Makes miscellaneous technical and nonsubstantive amendments, including amendments to correct grammatical and typographical errors, improve clarity, and conform the bill to recommended drafting style.

The following amendment was circulated at the meeting:

PROPOSED CD1 TO BILL 52 (2018) (Submitted by Departmental Communication 490) - The proposed CD1 makes the following amendments:

- A. Removes the term “gently coerce” from Section 1(b).
- B. Removes the application of this Bill to “other public areas”.
- C. Removes the requirements that shelter space be written a reasonable distance and that the officer must tender a written order to comply in subsection (b)(1).
- D. Add a new subsection (e) providing that the proposed new article does not apply to any person engaging in an activity pursuant to a permit or license issued by the State, the City, or federal government.
- E. Adds a new SECTION 4 to the bill to provide that the ordinance would take effect upon its approval.
- F. Makes miscellaneous technical and non-substantive amendments, including amendments to correct grammatical and typographical errors, improve clarity, and conform the bill to recommended drafting style.

Committee on Public Works, Infrastructure and Sustainability Minutes
Wednesday, July 25, 2018

Administration/Others

Roy K. Amemiya, Jr., Managing Director
Pamela Witty-Oakland, Director, Department of Community Services (DCS)
Marc R. Alexander, Executive Director, Mayor's Office of Housing
Ryan Nishibun, Major, Honolulu Police Department (HPD)
Ross S. Sasamura, Director and Chief Engineer, Department of Facility Maintenance (DFM)
Donna Y.L. Leong, Corporation Counsel, Department of Corporation Counsel (COR)

Managing Director Amemiya testified in support of Bills 51 (2018) and 52 (2018).

Director Witty-Oakland explained the hand-carried proposed CD1s for Bills 51 (2018) and 52 (2018).

The following individuals testified:

1. Tam Reeve (support Bills 51 [2018] and 52 [2018])
2. Mateo Caballero, ACLU Hawaii (oppose Bill 51 [2018])
3. Deja Ostrowski (oppose Bills 51 [2018] and 52 [2018])
4. Dave Moskowitz (support Bill 51 [2018])
5. Roland Louie (support Bills 51 [2018] and 52 [2018])

In response to the Committee's inquiries, the department representatives provided the following information:

- The HPD has a limited number of officers dedicated to the enforcement called for by the island-wide measures.
- Director Witty-Oakland stated that a coordinated effort is needed among the service providers and the City.
- The DFM stands ready to support the measures and work with the various departments to ensure that public sidewalks are unobstructed and safe for passage.

Committee on Public Works, Infrastructure and Sustainability Minutes
Wednesday, July 25, 2018

- Executive Director Alexander explained that under the guidance of HPD's inter-agency Health, Efficiency, Long-term Partnerships (H.E.L.P.) program the homeless population has seen some relief.
- Corporation Counsel Leong offered the Committee the option for a closed-door executive session or a written opinion to explain the legality and constitutionality differences between previously requested "sit-lie" bans and Bills 51 (2018) and 52 (2018).

Committee Chair Fukunaga requested that each department provide a written response regarding any concerns it has and resource requirements it may need to implement the island-wide measures.

The Committee Chair recommended that Bills 51 (2018) and 52 (2018) be amended to their respective hand-carried proposed CD1s and reported out for second reading and public hearing.

Committee Member Elefante voiced his opposition to Bills (51) 2018 and 52 (2018).

Committee Member Ozawa explained that he could not support the Committee Chair's recommendation until he receives a response from the COR on the Administration's previous contrary island-wide "sit-lie" ban position.

After hearing from the members, Committee Chair Fukunaga withdrew her previous recommendations and recommended that Bills 51 (2018) and 52 (2018) be postponed to a time and date to be determined by the Committee Chair.

Action on Bill 51 (2018) postponed.

AYES: ELEFANTE, KOBAYASHI, OZAWA, FUKUNAGA – 4.

NOES: None.

EXCUSED: MANAHAN – 1.

Action on Bill 52 (2018) postponed.

AYES: ELEFANTE, KOBAYASHI, OZAWA, FUKUNAGA – 4.

NOES: None.

EXCUSED: MANAHAN – 1.

Related communications:

MM-95	Office of the Mayor, transmitting draft Bill 51 (2018).
MM-96	Office of the Mayor, transmitting draft Bill 52 (2018).
D-490	Department of Community Services, transmitting proposed CD1s for Bills 51 (2018) and 52 (2018).
M-369	Early testimony for Bill 51 (2018).
M-370	Early testimony for Bill 52 (2018).
M-375	Additional testimony for Bill 51 (2018).
M-376	Additional testimony for Bill 52 (2018).

6. RESOLUTION 18-158 – COMMITTEE REPORT 263

THE ADMINISTRATION'S ACTION PLAN ADDRESSING THE PUBLIC HEALTH AND SAFETY ISSUES ASSOCIATED WITH CONCENTRATIONS OF HOMELESS PERSONS IN THE CITY WHO MAY BE SUBJECT TO PROHIBITIONS AGAINST OBSTRUCTIONS ON PUBLIC SIDEWALKS OR ILLEGAL LODGING. Requesting an update on the status of the City Administration's action plan addressing the public health and safety issues associated with concentrations of homeless persons in the City and County of Honolulu who may be subject to prohibitions against obstructions on public sidewalks or illegal lodging.

Administration/Others

Pamela Witty-Oakland, Director, Department of Community Services (DCS)

There was no public testimony.

Director Witty-Oakland testified in support of the Resolution and would provide an update on the status of the City Administration's action plan to the Council as requested by the measure.

Committee Chair Fukunaga explained that part of the Resolution's focus is on the actions by the Office of Housing and DCS to expedite the deployment of homeless housing and services solutions in each of the nine Council districts.

Resolution 18-158 reported out for adoption.

AYES: ELEFANTE, KOBAYASHI, OZAWA, FUKUNAGA – 4.

NOES: None.

EXCUSED: MANAHAN – 1.

Committee on Public Works, Infrastructure and Sustainability Minutes
Wednesday, July 25, 2018

Related communication:

M-377 Additional testimony for Resolution 18-158.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:34 p.m.

Respectfully submitted,

GLEN I. TAKAHASHI
City Clerk

gu

DATE APPROVED

August 29, 2018